

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RICHARD STARKS §
VS. § CIVIL ACTION NO. 1:05cv399
GARY L. JOHNSON §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Richard Starks, an inmate confined in the Neal Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus.

Discussion

Petitioner states that in 2000, he was convicted of sexual assault in the 7th District Court of Smith County, Texas. He was sentenced to 14 years imprisonment.

Petitioner filed this petition for writ of habeas corpus in the district in which he was convicted. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated.

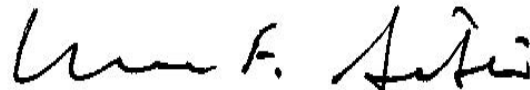
Petitioner was convicted in Smith County, Texas.

Pursuant to 28 U.S.C. § 124, Smith County is in the Eastern District of Texas. However, Smith County is located in the Tyler Division, rather than the Beaumont Division of this court. As all records and witnesses involving this petition may be located

in the Tyler Division of this court, the transfer of this petition to such division would further justice.

Accordingly, this case should be transferred to the Tyler Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this the 21st day of June, 2005.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE